



NAIROBI CITY COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Third Session

Wednesday 22nd July, 2015

The House met at 2.30 p.m.

(Hon. Deputy Speaker (Mr. Kennedy Ngondi) in the chair)

PRAYERS

Hon. Deputy Speaker: Hon. Members, allow me to direct the Sergeant-At- Arms to ring the bell for 10 minutes for lack of quorum.

(Quorum bell rings)

Hon. Deputy Speaker: Order, Hon. Members! Chief Whip, please can you whip your Members, we want Members in the House. Where is the Majority Chief Whip? The Deputy Majority Chief Whip, please can you whip your Members. I have given you two minutes to make sure at least there is full House.

Sergeant-At-Arms, can you ring the bell for further 5 minutes?

Hon. Deputy Speaker: Order, Serjeant-At-Arms, the Member is not allowed to leave the House, can you close the door!

(Quorum bell rings)

Hon. Deputy Speaker: Terminate the bell.

Order, Hon. Members! Clerk, can you proceed.

STATEMENTS

Hon. Deputy Speaker: Hon. Members, the following business will be transacted today being Wednesday 22nd July, 2015, under Standing Order No. 7, the following Members will request for Statement:

Hon. Samwel Kagiri, is Hon Kagiri present in the House? We may bypass that.

THE NAIROBI CITY COUNTY FIRE AND RESCUE SERVICES BILL, 2015 (ASSEMBLY BILL NO. 3 OF 2015)

(Second Reading)

Hon. Member for Harambee Ward (Mr. Ronald Milare): Hon. Speaker sir, I wish to address Motion No. 8 and 10 consecutively.

Hon. Deputy Speaker: That is not possible.

Hon. Ronald Milare: I want to take both Motions, Mr. Speaker, listen to what I want to say, kindly.

Hon. Deputy Speaker: Okay.

Hon. Ronald Milare: Mr. Speaker sir, following the First Reading of the Nairobi County Disaster Emergency Management Bill, 2015 and the County Assembly Fire and Rescue Services Bill, 2015 on Wednesday 17th June, 2015, the Bills were committed to Committees for scrutiny and stakeholders consultation pursuant to Standing Order No.121. An advert was placed in the paper seeking for views from public stakeholders and which elicited reactions from the stakeholders.

Mr. Speaker sir, the Committee was supposed to report to the Assembly within 20 calendar days pursuant to Standing Order 124(4). However, the Committee is still in the process of going through memoranda from stakeholders and the public. In this regard, Mr. Speaker sir, I wish your indulgence to request the Assembly to defer the Second Reading of the two Bills for three weeks so that the Committee can finalize the report and report to the Assembly. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Order Members! Chief Whip, are you getting clearly what the Hon. Member is reading before the House? What has he just said now?

Hon. Members, the Hon. Chair, Hon. Milare is requesting the House to grant him more time. Is the House in agreement with the same?

Hon. Member for Korogocho Ward (Mr. Maxwell Ochar): Mr. Speaker, I think it is in order because they have not completed with the Bill when the public has given their views and some people who are interested wanted to give their input. Please let us give them time, thank you.

Hon. Deputy Speaker: Hon. Chairman. The Chair has given you an opportunity to proceed with the Bill and bring it in the best form for the consumption of this House but now we have to reduce the period. Thank you, your request has been granted in totality.

THE NAIROBI CITY COUNTY WARD DEVELOPMENT FUND AMENDMENT BILL, 2015
(ASSEMBLY BILL NO.5 OF 2015)
(Second Reading)

Hon. Member for Umoja I Ward (Mr. Njoroge G. Maina): Thank you, Mr. Speaker. I wish to report to the Assembly that following the First Reading of the Bill the Nairobi City County Ward Development Fund, Amendment Bill, 2015, the Bill was committed to the Select Committee Ward Development Fund for scrutiny and stakeholder consultation pursuant to Standing Order No. 121. An advert was also placed in the local media seeking views from the public and stakeholders. Mr. Speaker, the Committee was supposed to report to this Assembly within 20 calendar days pursuant to Standing Order No. 121.

However, the Committee is still in the process of meeting the stakeholders including the Ward Development Fund Management Committee. In this regard, Mr. Speaker, I wish with your indulgence, to request the Assembly to defer the 2nd Reading of the Bill for 7 days so that the Committee can finalize meeting all the interested stakeholders and report to the Assembly since the Bill is so crucial to the County. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Minority Whip, what is your take on that? I think now I must separate you with Hon. Mwaura, you need to meet somewhere.

Hon. Minority Whip (Mr. Hashim Kamau): Thank you, Mr. Speaker we have no objection with that, in fact we had discussed prior to the start of the Assembly. Thank you.

Hon. Deputy Speaker: We have the Majority Leader in the House and maybe they are requesting extension of time on the Nairobi City County Ward Development Bill Amendment Bill, 2015, Assembly Bill No. 5 of 2015, being the Majority Leader on the majority Membership side, would you so wish we grant them an opportunity to give them some time?

Hon. Majority Leader (Mr. Elias Otieno): Mr. Speaker, it is okay although I was not ready to answer that, but since you have the entire mandate to ask me to do it, I think you should give them more time.

Hon. Deputy Speaker: Thank you very much. The Hon. Deputy Chair of Ward Development Fund, your permission has been granted. Thank you.

**THE NAIROBI CITY COUNTY DISASTER AND EMERGENCY MANAGEMENT BILL 2015,
ASSEMBLY BILL NO. 4 OF 2015
(Second Reading)**

Hon. Deputy Speaker: Clerk, I think the Hon Chairperson requested for both Order No.8 and No.10 and the permission granted for both, so we can proceed.

MOTION

**REPORT OF THE AUDITOR GENERAL ON THE FINANCIAL STATEMENTS OF NAIROBI CITY
COUNTY WATER AND SEWERAGE COMPANY LIMITED FOR THE FINANCIAL YEAR THAT ENDED
30TH JUNE, 2013.**

Hon. Deputy Speaker: The Chairperson for the Committee on Public Investment, Hon. Thuo? Who has this report apart from the Chair of Public Investment Committee?

Hon. Member for Kabiro Ward (Mr. Clarence Munga): Thank you, Mr. Speaker for this opportunity. I have just stepped in, if you can give me time to---

(Laughter)

Hon. Member for Viwandani Ward (Mr. Samuel Nyang'wara): Point of Order!

Hon. Deputy Speaker: Point of Order granted.

Hon. Samuel Nyang'wara: Mr. Speaker, the Hon. Member is not in order and there is a very clear indication from the Chair of that particular Committee that they did not inform your office that somebody else was coming to move this Motion.

Hon. Karen Wanjiku (Nominated Member): Point of Order, Mr. Speaker.

Hon. Deputy Speaker: Granted.

Hon. Karen Wanjiku: Mr. Speaker that report belongs to this House and I think anybody can move that Motion and Members are ready, thank you.

Hon. Clarence Munga: Mr. Speaker let me clarify. I had just stepped in and the Chairman was being called upon and I said--- let me peruse---

Hon. Deputy Speaker Order! Can you address the Speaker, Hon. Member?

Hon. Clarence Munga: Mr. Speaker, I am ready, can I proceed?

Hon. Deputy Speaker: Introduce yourself.

Hon. Clarence Munga I am the Vice Chair (*Laughing*) of the Public Investment Committee.

Hon. Deputy Speaker: Proceed.

Hon. Clarence Munga: Thank you, Mr. Speaker. On behalf of the Public Investment Committee and pursuant to provision of Standing order 180 (6), it is my pleasure and to present to this House the report of the Public Investment Committee findings on the report of the Auditor General on the Financial Statements of Nairobi City County Water and Sewerage Company Limited for the financial year that ended 30th June, 2013.

The report of the Auditor General was tabled on the floor of the Assembly on 11th February, 2015 and thereafter committed to the Public Investment Committee Pursuant to the article 229 (8) of the Constitution of Kenya for scrutiny and reporting to the County Assembly within 90 days.

Mandate of the Committee

Mr. Speaker, the Committee derives its mandate from Standing Order 186 (2) (b) which states that-

Hon. Deputy Speaker: Order, Hon. Member! Please can you take your seat first? Order, Hon. Ogeto! Maybe, if the Chairman is in and is in good sense, he is able to move the Motion No.11. Hon. Chairman your Vice Chairman is a bit irrelevant. Can you move Motion No.11?

Hon. Member for Dandora Area III Ward (Mr. Charles Thuo): Mr. Speaker, I want to first to apologize for coming in late.

Hon. Deputy Speaker: Let me help you with Order Paper.

Hon. Charles Thuo: I have the report with me, Mr. Speaker.

Hon. Deputy Speaker: What you have is the report. Can you have the Order Paper and move Motion No.11?

Hon. Charles Thuo: Thank you, Mr. Speaker. I beg to move the following Motion; THAT this Assembly adopts the report of the Select Committee of the Public Investment of the Auditor General on the financial statement of Nairobi City Water and Sewerage Company Limited for the year ended 30th June, 2013, laid on the table of the Assembly on Wednesday 10th June, 2015.

Mr. Speaker, this is the second report of this Committee and it is very important to note that Nairobi City Water and Sewerage Company has done business since its inception without ever at any one single time having to have its account Audited or having the report on Committee discussed at any sitting.

Mr. Speaker, just last week we laid our first report and as you noticed the recommendation of the last report is just similar to this one. One of the biggest recommendations is that the Company should be registered as a Public Institution because at the time of Inspection, there was a mistake and whoever registered the Company did the registration as a private Company which has brought conflict between the Company and the Kenya Revenue Authority since they are expected to pay taxes. As we know, Public Companies or Institutions do not make profit, they only have reserves. So that is one of the biggest recommendations.

Mr. Speaker, when you go through the report you will note there is a tripartite agreement that was made between the defunct Nairobi City Council and Athi Water Services Board and Nairobi City Water and Sewerage Company and the tripartite agreement vests all the assets including land to Athi Water Services Board which makes Nairobi Water have to pay every year money to the Athi Water Services Board and they don't own those properties. Mr. Speaker, so I---

Hon. Member for Hospital Ward (Mr. George Ochola): Point of Order, Mr. Speaker!

Hon. Deputy Speaker: Granted.

Hon. George Ochola: Thank you Mr. Speaker sir. By your word, it seems as if the Chairman is also not in his senses because instead of reading for us what is in the report, he is giving us what they were briefed in the meeting, Mr. Speaker sir.

(Laughter)

Hon. Charles Thuo: Thank you, Mr. Speaker sir. Unlike the Hon. Member, I am able to read the report, internalize it and keep it in my head. I am not like him; I don't have to keep referring to that report.

(Laughter)

Hon. Charles Thuo: We may be Members all of us but my intellect is a bit---

Hon. Deputy Speaker: Order, Chairman!

Hon. Charles Thuo: Thank you, I had to make him know that.

Hon. Deputy Speaker: Don't go personal.

Hon. Charles Thuo: Mr. Speaker sir, I had to make him know that intellectually he is my junior.

(Loud consultations)

Hon. Charles Thuo: Mr. Speaker, the content that is between my ears---

(Loud consultations)

Hon. Deputy Speaker: Order, Chairman!

Hon. Charles Thuo: Thank you, Mr. Speaker sir.

Hon. Deputy Speaker: Order! Order please! Hon. Ogeto, proceed.

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Mr. Speaker, I respect the Chairman very much but the report has been drafted and he should not tell us things which are in his head. He should tell us what is in the report, Mr. Speaker.

Hon. Deputy Speaker: Order, Mr. Ogeto! The Standing Order requires that the Chairman owns the report. He is not supposed to read page by page. That is what the Standing Order requires. Again Hon. Members, when the Member is moving the Motion he is not supposed to be interrupted, under Standing Orders, please can you proceed?

Hon. Charles Thuo: Thank you, Mr. Speaker sir. I hope I don't have to repeat what I've just said. It is clear that I am ahead of the game.

Mr. Speaker, as I was saying before I was rudely interrupted, the tripartite agreement has disadvantaged Nairobi Water because we have to pay monies every year to the Athi Water Services Board. We have to use public money to repair the pipes and yet those properties do not belong to us. The Committee feels that it is important to review the tripartite agreement and to reconsider the issue of property in land and houses so that they may be brought back to Nairobi Water and be owned by the County Government.

Another very major issue is that of the ownership of land. At the time of transfer from Nairobi County to Nairobi Water and Sewerage Company, ownership of land was left in question. That opened a window for people to grab property belonging to Nairobians because Nairobi City Water and Sewerage Company does not have documents. Having spoken those very intelligent words in very few minutes, I wish to call my able Vice Chair to second the Motion. Thank you, Mr. Speaker sir.

Hon. Deputy Speaker: Hon. Chairperson you have not even called someone to second your Motion.

Hon. Charles Thuo: I have called.

Hon. Deputy Speaker: Okay, thank you. Order, Hon. Members! Why is there a lot of movement in the House?

(Loud consultations)

Hon. Samuel Nyang'wara: With due respect, from your mouth, you said that the Hon---

Hon. Deputy Speaker: Please, Order! Order, Hon. Nyang'wara! Hon. Clarence, can you second the Motion.

Hon. Member for Kabiro Ward (Mr. Clarence Munga): Thank you, Mr. Speaker. Let me take this opportunity to second the Motion. I also take this opportunity to thank the entire Committee of Public Investments for doing a great job in going through the audit queries and ensuring that the management has answered the question accordingly.

Mr. Speaker, let me highlight two queries; unaccounted water. As you can see in the report, the management is unable to tell us where the 17% extra--- you know there is a standard on lost water which is 25% of the entire water produced. They have surpassed that 25% by 17%. As we speak, they have actually procured some meters that are going to regulate and ensure that they reduce water losses. At the same time, they have also ensured that according to the way the management responded, they are actually going to ensure that their staff are accountable and ensure that they--- you know there are these trucks that sell water, they will ensure that they are accountable.

Mr. Speaker, let me also highlight on the issue of property planning and equipment. As the Chairman has said, the tripartite agreement does not favor Nairobi Water. These properties and plans were actually leased to Nairobi Water and every month there is something that they remit to Athi Water and Nairobi City County. According to the regulation, Nairobi water is supposed to retain its profit and actually declare its profit at the end of the financial year. If they can be giving back to Nairobi Water and Athi Water-

Hon. Clarence Munga: --- that is unconstitutional. So, we have said that we need to legislate and come up with a Bill that will ensure that Nairobi Water is a co-operate entity. Having said so, let me also repeat that I highly respect the entire Committee for working hard and ensuring that they came with a good report. I hope this House will support the Report. Thank you, I second the Motion.

(Question proposed)

Hon. Member for Kilimani Ward (Mr. Moses Ogeto): Thank you, Mr. Speaker sir. I want to support this Motion on various reasons which I have observed: In the Report, the Members have said that they want to exclude Athi Water Ltd Company because of how they are trying to micromanage Nairobi Water and Sewerage Company. The full mandate given by these people will be able to ensure that the dividends or profits--- and to even encourage the Members of this House to buy dividends and make this company grow.

The National Government has various parastatals or co-operations which when they are being run independently, they perform. I want give an example like Kenya Urban Roads Authority (KURA), they have been given full mandate to operate. They are able to perform and know which roads they were given and how they are supposed to manage and maintain. When we give Nairobi Water and Sewerage Company full mandate, they will be able to ensure that Nairobians don't lack water. They will ensure that every household in the County has water.

The Committee had also recommended proper procurement procedure for the meters. This Committee, as much as I am supporting them, should ensure that these meters should not be operated the way Kenya Power is operating. When the authenticity has not been taken for granted, will help Nairobians not to be brought fake bills. The Committee has also said that they need to ensure the company has authentic meters which can enable Nairobians to get what they want. The Committee has ensured that even the blockage of sewage everywhere--- especially I represent a very high voltage place, you understand even the President resides there.

When we give these people full mandate, they should ensure that everything is working so as not to do sideshows. They have said that their agreement with Athi Water is not giving them full mandate of what they are doing. I support the Report, thank you.

Hon. Deputy Speaker: Thank you. Hon. Adow.

Hon. Member for Eastleigh North Ward (Mr. Osman Adow): Thank you, Mr. Speaker. I would also like to support this Motion but I would like to advise the Vice Chairman here and tell him where they are losing a lot of water. In many occasions, I have reported pipes which burst spewing thousands of litres per day but the response time is really very poor. It takes weeks for people to come and repair a simple water pipe which has been reported. People on the ground look like they don't care because they know it will take a very long time to fix the problem. Also---

Hon. Asman Adow: I have also reported in many occasions where there is illegal use of water and such cases are never even solved. Nobody ever comes to visit to see that what is going on is actually true especially places such as car washes where there is rampant use of water. When you report, I don't know whether they have an agreement with the staff or something of the sort but those issues are never resolved. I can show them many places where such crimes are happening and we have reported the same and nothing is being done.

The people in the offices may be trying their best to turn around the company and make it profitable but the officers on the ground are really letting them down because they don't respond to reports made by people. There is a street in Eastleigh popularly known as Jam Street. If you go to that street today it looks like a river. This is because of car washes that are spilling the water they are using on to the streets and they are not even properly supervised to make sure that the water they use goes into the drainage system. Maybe their licenses may not even be valid.

I think the reporting time when cases of water bursts have been reported then they should have a standard response time like 24 or 48 hours so that the problem is fixed quickly because I can say that they are losing thousands of litres yet it is something that can be fixed. That is my advice to them, thank you.

Hon. Deputy Speaker: Hon. Mulatya.

Hon. Member for Kwa-Njenga Ward (Mr. Alexander Mulatya): Thank you very much, Mr. Speaker for giving me this opportunity. First and foremost I want to thank the leadership of the Public Investment Committee and the Members at large for coming up with a very important document about Nairobi. Water is a necessity in our lives and as a matter of concern, this Committee came up with a very good recommendation for the Nairobi Water and Sewerage Company.

First and foremost, I would like to touch on the issue of land. I understand we visited Loresho where we have the water tanks for Nairobi Water and we found out that most of that land had been taken by some land grabbers and actually they have been acting upon that. That is a plus to this Committee.

Secondly, on the issue of unaccounted for revenue, I understand that most of the areas including where I legislate, we have a lot of water cartels moving up and down there and as a matter of concern, as a result of the first report, they decided to procure digital meter system whereby water would be detected whenever it is being seeped off. With all those, Mr. Speaker, I think it is of great importance to call the mover of the Motion as the mood of this House is actually in support of this Motion. Thank you very much.

Hon. Deputy Speaker: Thank you. Hon. Nyang'wara

Hon. Samuel Nyang'wara: Thank you, Mr. Speaker. I will be required to thank the Committee for the work they did but Mr. Speaker, allow me to differ with this particular report. There are some things that they have done in the report that are very good and if I am to give them marks then it's 50% for good and the other 50% bad. This puts me in a tight situation whether to support this document or not, Mr. Speaker but I have come up with the conclusion of not to support this document.

Mr. Speaker, this is a report as the Chairman said that they received from the Auditor General. If you go to the recommendations number 7, the office of the Auditor General complained to the bosses that this particular company failed to give them some documents. What this Committee has done is request the company to give the Auditor General's office the documents when they were supposed to invite the management, interrogate them and make them produce this document as far as this debt is concerned.

I fail to understand why they are requesting them as it will be a game of cat and mouse when the Auditor General is complaining and only giving instructions that they produce those documents, when they were supposed to interrogate this company and this document be produced. So, to ascertain the argument by the Auditor General put as correct or not.

Hon. Samuel Nyang'wara: ...Mr. Speaker, if you go to number 2 of the recommendations of this report, they are saying that the management of the Water company which is an entity of this County and they are telling the County to surrender the ownership documents of this entity to the entity itself. We own this particular organization.

The County of Nairobi owns that institution 100% and then you tell the County to surrender the document to the management. I fail to understand what the Committee was really up to and if we are not

careful, if we pass this report, Mr. Speaker, the way it is, then the ownership of that institution might change hands when we know it is a County property.

Mr. Speaker, I am worried. There is some money that this County is receiving from this institution and the kind of work this institution is doing is a wonderful work. They have already come up with automated machines to sell water.

Mr. Speaker, I think the Chairman can be in a good position to come and engage me after I finish because I know he has other 20 minutes in this Motion. In short, I tend to agree with you that they were not in their senses when they were writing their report. With those few remarks, I oppose this Motion.

Hon. Deputy Speaker: Thank you, Hon. Nyang'wara. Hon. Wahinya.

Hon. Member for Ngando Ward (Mr. Peter Wahinya): Thank you very much, Mr. Speaker.

Hon. Deputy Speaker: Hon. Nyang'wara has raised a very crucial grey area. Proceed Honorable.

Hon. Peter Wahinya: Thank you. Mr. Speaker, first of all, I stand here to support this particular Motion but nevertheless, I would like to state as follows. If you look at this Statement, you will discover very many anomalies in respect to the actual audit that was carried out by the auditors. When you talk about land which is supposedly 10 acres and it has been indicated as 2 acres or you look at the debtors and creditors which has been understated.

Mr. Speaker, this clearly tells you that there is mischief in this audit. When an auditor completes his job, the management of the institution are supposed to sign the document, the report of the audit, to ascertain that it the true picture of the position of the company. So, both institutions are supposed to be liable. The reason why this Committee did not recommend, for example, a forensic investigation as to the conduct of the management of Nairobi Water is what I do not understand. Somebody must have delivered false information.

For the Auditor to be auditing and saying and indicating in his report that it is 2 acres in Karen when it is 10, somebody inside has certainly given the wrong information. So, this Committee having done their job very well, they have fallen short of recommending a forensic investigation which is aimed at punishing either the management of this institution or the Auditors themselves.

The issue of coming up with a recommendation that the proper acreage should be introduced; are we talking about introducing information after the audit is done? That, you cannot do, Mr. Speaker. You must repeat the complete audit. There is no way you can insert or delete a report that has already been gazetted. Therefore, we are supposed to be recommending for a brand new audit, that is number one and we are supposed be recommending for that forensic audit so that we know who is culpable because somebody certainly has conducted a criminal activity. So, I support this but it has gone short of what we should have concluded. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Welcome the rebel leader. Please proceed.

Hon. Mark Ndung'u: Mr. Speaker sir, reading the mood house, I would request you to call the mover to reply.

Hon. Deputy Speaker: Can we get the last one from this side and this side. Hon. George Ochola.

Hon. George Ochola: Thank you, Mr. Speaker sir. Mr. Speaker, it will be wrong and not in culture if we do not thank the Committee. What they have been doing is to please themselves. However, I want to concur with my colleague, Hon. Nyangwara. When it comes to investigating and this is a scenario where the Auditor requested the documents and this particular institution failed to give the Auditor the report so that they can ascertain where there are anomalies.

Mr. Speaker, the Committee then comes and recommends or orders the institution to submit the documents to the Auditor. Mr. Speaker, on those Statements alone, I find that his report is incomplete and therefore, I know the Members of the Committee will please themselves, but for me, I am not supporting the report. Thank you.

Hon. Deputy Speaker: Hon. *Mwalimu*.


Hon. Charles Ngaruiya: Thank you, Hon. Speaker. Even if the Committee on Public Investments is compromised---

Hon. Deputy Speaker: Order, Hon. Member! Can you use parliamentary language? Can you withdraw that first?

Hon. Charles Ngaruiya: I withdraw, Mr. Speaker. What I want to say is that I support the recommendations of this Committee and as I support, they need to be implemented fully. Mr. Speaker, when you look at what the Committee recommends, especially one, the management should provide full disclosure. This is a management Committee that has refused to say the truth and we cannot have the same management Committee in place as it continues to investigate. I would wish or recommend that the top management of the Nairobi Water and Sewerage Company step aside so that investigations can be done. Mr. Speaker, so much money is being lost, most of the assets of this particular company are not known.

What Hon. Nyangwara has said, is that some of the documents they were supposed to provide they have refused to submit. Why are we keeping them in office? They are talking about continuing with the investigation every year. With the same management I do not believe that we are going to get the right report and therefore, it is upon this particular House to ensure that the Nairobi Water and Sewerage top management are either sacked or they step aside to allow the full investigation of all the audit queries that are taking place in that particular company. Thank you, Mr. Speaker.

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Hon. Deputy Speaker: Thank you. Hon. Members, may I call the mover of the Motion to reply?

Hon. Charles Thuo: Thank you. Mr. Speaker, this House is full of intelligent people. If you listen to them debate and listen to the way they speak and interrogate the report, it is obvious that Nairobi made the right choices of people who are able to look at the report and defend it. Mr. Speaker, it is obvious that people have understood the report, but just a point of clarification, Mr. Speaker--- I wish this Hon. Member would consult in lower tone.

(Hon. Ngaruiya consults)

Hon. Deputy Speaker: Hon. Ngaruiya, can you consult in low tone.

Hon. Peter Warutere: Also, Mr. Speaker, ask him to start speaking in English because he is talking in Kikuyu. *(Laughter)* As I was saying, I just want to make a clarification on the issue of property and land. You realize that Nairobi Water and Sewerage Company is 100% owned by this County and I agree with that, but it is still a company, it is like a subsidiary with a Board of Management and when these properties---

Hon. Deputy Speaker: Order, Member! You were to reply. It is not time for contributions.

Hon. Peter Warutere: I am replying, Mr. Speaker. So, I beg the Members to vote for the Motion and support it. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Members, I now put the question.

(The question is put)

(Question put and agreed to)

Hon. Deputy Speaker: Order, Hon. Member! Hon. Members, by the leave of the Chair, I would wish to grant an opportunity for Members who are just about to put a request on Order number 7 under Statements. Hon. Kagiri.

STATEMENT ON THE NUMBER OF PUBLIC SCHOOLS IN THE COUNTY

Hon. Member for Pipeline Ward, (Mr. Samuel Kagiri): Thank you Mr. Speaker for the opportunity. Pursuant to Standing Order No 41(2)(c), I wish to request a Statement from the Chairperson of the Sectoral

Committee of Early Childhood Education and Vocational Training regarding the number of public schools in the County.

Hon. Speaker, there are some Sub-Counties which are greatly disadvantaged in terms of the availability of public schools. There is also a lot of inequality in distribution of public schools within the County.

Hon. Speaker in the Statement, the Chairperson should inquire into and report on; Mr. Speaker I would request Members to consult in low tones.

Hon. Deputy Speaker: Order, Hon. Chair for PIC!

Hon. Samuel Kagiri:

- i) The number of public kindergarten, primary, secondary, tertiary and special schools in the County specifying their Sub Counties.
- ii) The number of students in each of these schools and;
- iii) The number of teachers in each of these schools.

Thank you.

Hon. Deputy Speaker: The Chairperson for Education. Order, Hon. Member! Are you a Member? Okay, thank you.

Hon. Member for Umoja I Ward, (Mr. George Maina): You are also a Member.

Hon. Deputy Speaker: Hon. Nyang'wara, please! Where is the Chairman for Education?

Hon. George Maina: The Chair for Education is not in.

Hon. Deputy Speaker: Do we have the Deputy?

Hon. George Maina: The Deputy is also not in.

Hon. Deputy Speaker: Are you the Deputy Chair for Education? (*Referring to Hon. Nyangwara*).

Hon. George Maina: He is not. I am a Member of the education Committee.

Hon. Deputy Speaker: Order!

Hon. Member for Viwandani Ward, (Mr. Samuel Nyang'wara): Mr. Speaker is a Member but I wanted to inform you that the Hon. Chair was seated just next to me and he was aware that this question was coming and he told me to do the undertaking, Mr. Speaker.

(Laughter)

Hon. Deputy Speaker: I think that is not official, please kindly, can you take your seat!

Hon. George Maina: Mr. Speaker, I think today Hon. Nyang'wara has a lot of energy, I think he should direct it somewhere else.

Hon. Deputy Speaker: Can you proceed?

Hon. George Maina: Mr. Speaker, you are also a Member of the Education Committee and you should be conversant with the Members. I beg you to give us seven days to reply.

Hon. Deputy Speaker: That is in Order. Hon. Maurice Gari.

STATEMENT ON HAWKERS ALONG LANGATA ROAD OPPOSITE NYAYO STADIUM

Hon. Member for Nairobi West, (Mr. Maurice Gari): Thank you, Mr. Speaker sir. Pursuant to Standing Order No. 41 (2) (c), I wish to request for Statement from Chairperson of Sectoral Committee on Trade and Co-operatives and Justice and Legal Affairs regarding hawkers who ply their businesses along Langata Road opposite Nyayo Stadium.

Hon. Speaker, illegal hawking in the area opposite Nyayo Stadium poses a great threat and security risk considering that the area doubles up---

Hon. Deputy Speaker: Order, Hon. Members please, Chairman can you come back, Hon. Amina, Hon. Karen please take up your seats! We are almost done. Proceed.

Hon. Maurice Gari: Considering that the area doubles up as residential zones, the hawkers cause congestion along the road occasioning traffic jams and frequent petty theft. The said area is not a designated market.

Hon Speaker, in the Statement, the Chairperson should inquire and report on;

- i) The authorization of hawking on the said area and whether the area is designated for a market place.
- ii) The plans to remove hawkers and measures put in place to provide alternative for their businesses and;
- iii) Action taken by Enforcement Department to ensure that the road reserves are not turned into markets by unscrupulous traders across the County.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Chairperson for Trade.

Hon. Member for Mabatini Ward (Mr. Wilfred Odalo): Thank you, Mr. Speaker, Wednesday, next week.

Hon. Deputy Speaker: That is granted. Where is the Chair for Legal Affairs?

Hon. Member for Parklands/H/Ridge (Mr. Jaffer Kassam): Thank you, Mr. Speaker sir, seven days from today.

ADJOURNMENT

Hon. Deputy Speaker: Thank you, Hon. Members the House stand adjourned till 2.30 p.m. tomorrow.

(The House rose at 3.52 pm)